

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ASHLEY L. ISHMAEL,
Plaintiff,

v.

GM FINANCIAL INC., et al.,
Defendants.

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Case No. 2:22-cv-1095-JDW

ORDER

AND NOW, this 9th day of June, 2022, upon consideration of Plaintiff Ashley L. Ishmael's Motion To Proceed *In Forma Pauperis* (ECF No. 1), and *pro se* Complaint (ECF No. 2), and for the reasons given in the accompanying Memorandum, it is **ORDERED** as follows:

1. Ms. Ishmael's Motion To Proceed *In Forma Pauperis* (ECF No. 1) is **GRANTED** pursuant to 28 U.S.C. § 1915;

2. The Complaint is **DEEMED** filed;

3. The Complaint is **DISMISSED IN PART WITH PREJUDICE** and **DISMISSED IN PART WITHOUT PREJUDICE** for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), as follows:

a. Counts III (Truth-In-Lending-Act), IV (Gramm-Leach-Bliley Act), and V (violation of 18 U.S.C. § 1028A are **DISMISSED WITH PREJUDICE**; and

b. Counts I (Fair Debt Collection Practices Act) and II (Fair Credit Reporting Act) are **DISMISSED WITHOUT PREJUDICE**;

4. On or before July 8, 2022, Ms. Ishmael may file an amended complaint to attempt to cure the defects that the Court has identified in the claims dismissed without prejudice. Ms. Ishmael may not reassert a claim dismissed with prejudice. Any amended complaint must identify all defendants in the caption of the amended complaint in addition to identifying them in the body of the amended complaint and shall state the basis for Ms. Ishmael's claims against each defendant. The amended complaint shall be a complete document that does not rely on the initial Complaint or other papers filed in this case to state a claim. When drafting his amended complaint, Ms. Ishmael should be mindful of the Court's reasons for dismissing the claims in her initial Complaint as explained in the Court's Memorandum. Upon the filing of an amended complaint, the Clerk shall not make service until the Court orders;

5. The Clerk of Court shall send Ms. Ishmael a blank copy of this Court's current standard form to be used by a self-represented litigant filing a civil action bearing the above-captioned civil action number. Ms. Ishmael may use this form to file her amended complaint if she chooses to do so;

6. If Ms. Ishmael does not wish to amend her Complaint and instead intends to stand on her Complaint as originally pled, she may file a notice with the Court on or before July 8, 2022, stating that intent, at which time the Court will issue a final order dismissing the case. Any such notice should be titled "Notice to Stand on Complaint," and shall include the civil action number for this case;

7. If Ms. Ishmael fails to file any response to this Order, the Court will conclude that Ishmael intends to stand on her Complaint and will issue a final order dismissing this case.

BY THE COURT:

/s/ Joshua D. Wolson

JOSHUA D. WOLSON, J.